

REMARKS

In the Office Action mailed July 1, 2004, claims 1-9, 15, 17, 19, and 21 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM OBJECTIONS

Claims 10 and 16 are objected to as being dependent upon rejected base claims, while the Examiner noted they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants thank the Examiner for finding this allowable subject matter in these claims. However, in view of the arguments that follow, Applicants believe that claims 10 and 16 depend from base claims that should be allowed, and that claims 10 and 16 should therefore be allowed.

For at least the stated reasons, applicants respectfully request reconsideration and withdrawal of the objections to claims 10 and 16.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1, 4-9, 15, 17, 19, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hutchinson (6,393,212). Applicants respectfully traverse this rejection.

A § 102 rejection is proper only if each and every element as set forth in the claim is found—i.e., the prior art must teach every aspect of the claim. *See Verdegall Bros. v. Union Oil Co. of California* 918 F.2d 628,631 (Fed. Cir. 1987); *see also* MPEP §2131. Claim 1, and thus dependent claims 4-9, 15, and 17, recite a steam generator comprising “a housing, a ... tubular vessel located within the housing, a heating element located within the tubular vessel, a water inlet configured to allow water to enter the tubular vessel, and a steam outlet configured to outlet steam from the tubular vessel and housing.”

If it assumed for argument's sake, as stated in the Office Action on Page 2, that Hutchinson discloses "a steam generator which includes a housing (10), a tubular vessel (15) located within the housing, a heating element (21) located within the tubular vessel, a water inlet (12), [and] a steam outlet (14)," then, in order to anticipate the Applicants, the water inlet of Hutchinson would have to allow water to enter the tubular vessel as recited by the claim. However, Hutchinson's component (15) identified as a "tubular vessel" has no water or steam in it. Applicants respectfully submit that Hutchinson does not teach or suggest the combination of claim 1. Therefore, Applicants respectfully request that the rejection of claims 1, 4-9, 15, and 17 be removed.

Claim 19 recites in part "A steam generator comprising substantially rigid, generally tubular means for containing a fluid" and "means for storing water, at a level approximately equal to a level of water in the containing means located outside the containing means in fluid communication with the containing means." Applicants respectfully submit that Hutchinson does not teach at least this aspect of the claim. Indeed, Hutchinson does not teach or suggest "means for storing water, at a level approximately equal to a level of water in the containing means." Instead, Hutchinson recites "low residual fluid volume contained in heat tube 10 at any given time." (col. 15, ll. 5-6). Thus Hutchinson provides means neither for storing water inside the containing means, nor for storing water at an approximately equal level between the storing means and the containing means.

Claim 21 recites in part "substantially equalizing a water level in the reservoir with a water level in the chamber." Applicants respectfully submit that Hutchinson does not teach at least this aspect of the claim. Indeed, Hutchinson does not teach or suggest "substantially equalizing a water level in the reservoir with a water level in the chamber," disclosing instead "continuous flow through the steam generating pump and baffle heating process." (col. 15, ll. 14-16) using "continuous water injection" (col. 15, l. 17). Thus Hutchinson provides no method for equalizing a water level.

For at least these reasons, applicants respectfully request that the § 102 rejection of claims 1, 4-9, 17, 19, and 21 be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Hutchinson (6,393,212). However, claims 2 and 3 depend ultimately from claim 1, which is patentable, so claims 2 and 3 are patentable by reason of their dependency.

For at least this reason, applicants respectfully request that the § 103 rejection of claims 2 and 3 be withdrawn.

Docket No.: 87276.1600
Serial No.: 10/651,050
Customer No.: 30734

PATENT

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the rejections of claims 1-9, 15, 17, 19, and 21 be withdrawn. Applicants also request that the objections to claims 10 and 16 be withdrawn. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1792 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP



P. Alan Larson
Reg. No. 53,184

Date: 8/30/04

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783